

Purofied Down Products Corp. and United Steelworkers of America, AFL-CIO, CLC, Upholstery and Allied Industries Division, Local 500-U. Case 31-CA-18649

June 11, 1992

DECISION AND ORDER

BY MEMBERS DEVANEY, OVIATT, AND
RAUDABAUGH

On July 31, 1991, the National Labor Relations Board issued a Decision and Order,¹ inter alia, ordering Purofied Down Products Corp., to make whole its unit employees for loss of earnings and other benefits resulting from its unilateral action in closing its North Hollywood and Burbank, California facilities in violation of the National Labor Relations Act.

A controversy having arisen over the amount of backpay due discriminatees, on February 13, 1992, the Acting Regional Director for Region 31 issued a compliance specification and notice of hearing alleging the amount due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent has failed to file an answer.

By letter dated March 23, 1992, the Region advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by April 3, 1992, summary judgment would be sought. The Respondent filed no answer.

On May 15, 1992, the General Counsel filed with the Board a Motion for Summary Judgment with respect to computation of net backpay, with exhibits attached. On May 20, 1992, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

¹ 303 NLRB No. 150 (1991).

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file an answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the moneys due the discriminatees, the credit union and the Union is as stated in the compliance specification and we will order their payment by the Respondent.

ORDER

The National Labor Relations Board orders that the Respondent, Purofied Down Products Corp., Ridgefield, New Jersey, its officers, agents, successors, and assigns, shall make whole the individuals, the Union and the credit union named in the compliance specification for the period from November 2, 1990, to August 21, 1991, by paying them the amounts set forth in the compliance specification, with interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus appropriate tax withholdings required by Federal and state laws.